



December 6, 2004

EX PARTE COMMUNICATION**ORIGINAL**

Chairman Michael J. Copps
Federal Communications Commission
The Portals
445 12th Street, S.W., Room 8-A302
Washington, DC 20554
E-mail address: Michael.Copps@fcc.gov

Re: Access to Unbundled Network Elements, WC Docket No. 03-225

Dear Chairman Copps:

I am writing to urge you, in taking action on the pending revision of the Unbundled Network Element (UNE) rules, to ensure that payphone companies like mine continue to have competitive alternatives for their local service needs.

As the Commission has long recognized, payphones play a critical role in meeting the needs of the public for communications on the move – especially in emergencies and in disasters such as 9/11. And for many citizens, payphones are the only telephones they can use. That is why Congress mandated wide availability of service in the Telecommunications Act. To continue in providing payphone services, my company must have reliable local service connections at a reasonable cost. This is because my local phone bill is my single largest monthly cost of operating my phones. To keep service quality high and costs low, we rely on the availability of competitive telephone companies for local service. Without competitive local service options like UNE-P, there is no market check on what we may be charged by the incumbent telephone company.

For example, in the 3 states that we operate in MD, DE & VA, there are competitive local exchange carriers for payphone providers in MD & VA, not in DE. In MD & VA, Verizon has lowered their rates to a fixed flat rate – not so in DE. In DE, Verizon still charges the old measured rate service that they have for years which equals about a 35% increase in line charges over MD & VA. When we call Verizon and ask them if they are going to go to a cost based fixed line rate for DE, the answer is NO. The reason – that's obvious...there's no reason for them to obey the Congressional mandate without competition or a law suit.

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For our payphones, the only competitive alternative that has proved effective to date is UNE-P. Our payphones do not transmit data and do not need broadband channels; thus, broadband facilities do not provide a viable competitive alternative for our payphones. In the last few years, we have had to remove over 25% of our payphones from service because their revenue was insufficient to meet operating costs. Without UNE-P, the American public is sure to lose more of the valuable payphone services they need and rely on today.

Therefore, I urge you to take steps to ensure that the FCC's revised UNE rules preserve competitive local service alternatives for payphones. Thank you for your consideration.

Sincerely,



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cc: Senator Paul S. Sarbanes
Senator Barbara A. Mikulski
Representative Wayne T. Gilchrest

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